

55-0770

5 MAR 1956

MEMORANDUM FOR: Legislative Counsel

SUBJECT:

H.R. 8002, 8147, A Bill to Provide a More Equitable System for the Settlement of Disputes Arising From Personnel Actions in the Classified Civil Service, and of Grievances and Complaints of all Government Personnel, and for Other Purposes.

1. Subject bills have been reviewed by this Office for the purpose of determining whether or not further action by your office is necessary or desirable. Inasmuch as the measures are identical, our comments are equally applicable to both.

2. Section 2 of the proposed act refers to the classified Civil Service and would grant to employees in that Service protection against reduction-in-grade or compensation or debarment from future employment except for such cause as will promote the efficiency of the Service. It may be reasonably inferred from this particular reference that the excepted Government service is not included and therefore is not subject to this section of the bill. It would therefore follow that Section 2 of the bill does not apply to CIA since positions in the Agency are excluded from the classified Civil Service by a provision of the Classification Act of 1949.

3. Sections 3 through 6, however, appear to be related to all government departments without exemptions. "Department" for the purposes of Sections 3 to 5 is defined as being inclusive of executive departments, independent establishments and agencies in the Executive Branch and other government organizations identified by name. These sections are concerned with the settlement of disputes arising from personnel actions, grievances, and complaints of personnel. Provision is also made for certain regulating control by the Civil Service Commission and for the establishment of organizational procedures for the processing and adjudication of disputes as described above. It also provides for the establishment of administrative boards of appeal with representation on such boards being open to representatives of Government employees labor organizations. Sections 3 through 5 could not be applied to this Agency without undesirable and unnecessary security risks. It would therefore seem appropriate and desirable to secure an exemption of the Agency from these provisions, and it is so recommended by this Office.

4. It is requested that this Office be informed as to any subsequent legislative progress, discussion or report concerning the subject bills.

STATINTL

Harrison G. Reynolds

Director of Personnel

Approved For Release 2002/01/02 : CIA-RDP59-00224

NOTICE OF PENDING LEGISLATION		DATE 11 January 1956
		LEGISLATIVE BILL NO. H. R. 8002
SECTION I GENERAL		
TO : Dir/Personnel Dir/Security		FROM: LEGISLATIVE COUNSEL OFFICE OF GENERAL COUNSEL
THE ATTACHED BILL, WHICH HAS BEEN INTRODUCED INTO CONGRESS, IS:		
<input type="checkbox"/> SENT TO YOU FOR INFORMATION ONLY.		
<input type="checkbox"/> A BILL ON WHICH FAVORABLE CONGRESSIONAL ACTION: <input type="checkbox"/> IS <input type="checkbox"/> IS NOT PREDICTED.		
<input checked="" type="checkbox"/> SENT FOR YOUR COMMENT AS TO WHETHER IT IS OF INTEREST TO CIA ACTIVITIES, AND WHETHER FURTHER ACTION BY THIS OFFICE IS NECESSARY OR DESIRED.		
IT IS REQUESTED THAT COMMENTS CONCERNING THIS LEGISLATION BE FORWARDED, THROUGH APPROPRIATE CHANNELS, TO THIS OFFICE, BY _____		
SECTION II COMMENTS (From Original Addressee)		
TO : LEGISLATIVE COUNSEL OFFICE OF GENERAL COUNSEL		FROM: Office of General Counsel
<p>If this legislation were applicable by its terms to CIA, it would be objectionable on grounds of the provisions of Section 2 (modifying Section 6(a)(2)) which gives non-veterans the same right of direct appeal to the Civil Service Commission that veterans currently enjoy. Sections 3(a)(3) and (4) would also be objectionable since they provide for the participation of representatives of organizations of Government employees in grievance procedures and, since it is presumed that representatives represent a body of members, the possibility would be presented that information we regard as classified would be made available to individuals lacking in the necessary security clearances.</p> <p>With the exception of the two points mentioned, we are doing essentially what this legislation provides under the provisions of _____ and the Employment Review Board.</p> <p>This legislation, by its terms, applies to the "classified Civil Service" and therefore does not apply to this Agency. However, as a matter of policy, we have always accorded as closely as possible with Civil Service Commission procedures. Should this legislation pass, however, it would be well for the Director to specifically consider whether we wish to adopt as a matter of policy the provisions of those specific paragraphs noted above.</p> <p>The initial language in Section 2 might be construed to broaden the coverage of the bill so that persons within the purview of Section 14 of the Veterans' Preference Act would fall under the bill whether or not they were in the classified Civil Service. This is not the apparent intent of the bill, but since the language is ambiguous, it might be suggested that for the present language should be substituted: "No person in the classified Civil Service of the United States (whether or not such person is within the purview of Section 14 of the Veterans' Preference Act of 1944, as amended), . . ."</p>		
DATE OF COMMENTS 6 Feb. 1956	SIGNATURE AND TITLE Assistant General Counsel	

O6C
Personnel
Security

84TH CONGRESS
2D SESSION

H. R. 8002

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1956

Mr. ZABLOCKI introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To provide a more equitable system for the settlement of disputes arising from personnel actions in the classified civil service, and of grievances and complaints of all Government personnel, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Civil Service Appeal and
4 Grievance Procedures Act of 1954."

5 SEC. 2. (a) Section 6 (a) of the Act of August 24,
6 1912 (5 U. S. C., sec. 652 (a)), is hereby amended to read
7 as follows:

8 "SEC. 6. (a) (1) No person in the classified civil
9 service of the United States (including a person within the

1 purview of section 14 of the Veterans' Preference Act of
2 1944, as amended), who has completed a probationary or
3 trial period of employment, shall be removed or suspended
4 without pay therefrom, reduced in grade or compensation,
5 or debarred from future employment, except for such cause
6 as will promote the efficiency of such service and for reasons
7 given in writing.

8 “(2) Any such person (except a person within the
9 purview of subsection (b) (3) of this section) whose re-
10 moval, suspension for more than thirty days, or reduction in
11 grade or compensation is sought shall (A) have at least
12 thirty days' advance written notice (except where there is
13 reasonable cause to believe such person to be guilty of a
14 crime for which a sentence of imprisonment can be im-
15 posed), stating any and all reasons, specifically and in detail,
16 for any such proposed action; (B) be allowed a reasonable
17 time for answering the same personally and in writing, and
18 for furnishing affidavits in support of such answer; (C)
19 within thirty days after the date of receipt of notice of an
20 adverse decision on such answer, have the right to appeal in
21 writing to the board of appeals established by the depart-
22 ment concerned under section 3 (a) of the Civil Service Ap-
23 peal and Grievance Procedures Act of 1954 and to make a
24 personal appearance, or an appearance through a designated
25 representative, before such board of appeals; and (D) have

1 the right to appeal to the Civil Service Commission from an
2 adverse decision of such board of appeals. In the event the
3 department or agency concerned does not have such a board
4 of appeals, such person shall have the right to appeal di-
5 rectly to the Civil Service Commission. Such appeal to the
6 Commission shall be made in writing within a reasonable
7 length of time after the date of receipt of notice of the ad-
8 verse decision of such board of appeals or of the proper ad-
9 ministrative officer of the department or agency concerned,
10 as the case may be. Such person shall have the right to make
11 a personal appearance, or an appearance through a desig-
12 nated representative, in accordance with such rules and regu-
13 lations as may be issued by the Civil Service Commission.
14 After investigation and consideration of the evidence sub-
15 mitted, the Civil Service Commission shall submit its findings
16 and recommendations to the board of appeals (if any) and to
17 the administrative officer concerned and shall send copies of
18 the same to the appellant or to his designated representative.
19 It shall be mandatory for such administrative officer to take
20 such corrective action as the Commission finally recommends.
21 This paragraph shall apply to a person within the purview of
22 section 14 of the Veterans' Preference Act of 1944, as
23 amended, only if he so elects.

24 “(3) Any such person (except a person within the pur-
25 view of subsection (b) (3) of this section) whose suspen-

1 sion without pay for thirty days or less is sought shall (A)
2 have advance written notice of the same and of any charges
3 preferred against him; (B) be furnished with a copy of such
4 charges and any and all reasons therefor; (C) be allowed a
5 reasonable time for filing a written answer to such charges,
6 with affidavits; and (D) be furnished at the earliest practi-
7 cable date with a written decision on such answer. No
8 examination of witnesses nor any trial or hearing shall be
9 required except in the discretion of the officer or employee
10 directing the suspension without pay.

11 “(4) Copies of all documents and papers in connection
12 with each personnel action taken under paragraph (2) or
13 (3) of this subsection shall be made a part of the records
14 of the department or agency concerned; and copies of the
15 same shall be furnished, upon request, to the person affected
16 and to the Civil Service Commission.”

17 (b) Section 6 (b) (1) and (2) of the Act of August
18 24, 1912 (5 U. S. C., sec. 652 (b) (1) and (2)), is
19 hereby amended to read as follows:

20 “(b) (1) Any person removed or suspended without
21 pay under subsection (a), or discharged, suspended, or fur-
22 loughed without pay under section 14 of the Veterans’
23 Preference Act of 1944, as amended, who is reinstated or
24 restored to duty on the ground that such removal, discharge,
25 suspension, or furlough was unjustified or unwarranted,

1 either as a result of the determination of the merits of the
2 case or because of procedural error, shall be paid compen-
3 sation at the rate received on the date of such removal, dis-
4 charge, suspension, or furlough, for the period for which he
5 received no compensation with respect to the position from
6 which he was removed, discharged, suspended, or furloughed,
7 less any amounts earned by him through other employment
8 during such period, and shall for all purposes except the
9 accumulation of leave be deemed to have rendered service
10 during such period.

11 “(2) Any person who is reduced in compensation under
12 subsection (a) or under section 14 of the Veterans’ Prefer-
13 ence Act of 1944, as amended, who is restored to his former
14 rate of compensation on the ground that such reduction was
15 unjustified or unwarranted, either as a result of the determina-
16 tion of the merits of the case or because of procedural error,
17 shall be paid an amount equal to the difference between (A)
18 the amount of compensation he would have received during
19 the period his rate of compensation was reduced if such
20 reduction had not been made, and (B) the amount of com-
21 pensation he actually received during such period.”

22 (c) The amendments made by subsections (a) and (b)
23 of this section shall not apply with respect to any personnel
24 action referred to in such amendments which is initiated prior

1 to the date of enactment of this Act; and the provisions of
2 section 6 of the Act of August 24, 1912, as in effect immedi-
3 ately prior to the enactment of such amendments shall remain
4 in effect with respect to such personnel actions as though
5 this Act had not been enacted.

6 SEC. 3. (a) The head of each department shall establish,
7 install, develop, maintain, and operate procedures for the
8 prompt, economical, and just settlement of disputes arising
9 from personnel actions, and of grievances and complaints of
10 personnel, which arise in his department. Such procedures
11 shall be designed to provide for—

12 (1) settlement of all such disputes, grievances, and
13 complaints at the lowest practicable supervisory level
14 and, wherever possible, without any formal hearing or
15 examination of witnesses;

16 (2) establishment of a board of appeals for the con-
17 sideration and determination of all such disputes which
18 are within the purview of section 6 (a) of the Act of
19 August 24, 1912, as amended, and of all such grievances
20 and complaints, which are not settled under paragraph
21 (1) of this subsection, in each major center of activity
22 of the department concerned, and in any other center of
23 activity of such department where the head thereof
24 determines that such a board is desirable to carry out
25 the purposes of this Act;

1 (3) consultation with representatives of organiza-
2 tions of Government employees in connection with the
3 establishment, development, and operation of procedures
4 for the settlement of such disputes, grievances, and
5 complaints;

6 (4) equitable representation of organizations of
7 Government employees by the appointment of employees
8 who are members of such organizations to serve on
9 boards of appeals established under paragraph (2) of
10 this subsection; and

11 (5) training of supervisory employees in preven-
12 tion of disputes, grievances, and complaints, settlement
13 thereof under paragraph (1) of this subsection, and
14 processing of those which are not so settled.

15 (b) Settlement procedures of the departments under
16 subsection (a) of this section shall conform to the principles,
17 standards, and related requirements prescribed by the Civil
18 Service Commission under section 4 (a) of this Act.

19 SEC. 4. (a) The Civil Service Commission, after con-
20 sulting the several departments, shall promulgate regulations
21 prescribing the principles, standards, and related require-
22 ments which shall be observed by the head of each depart-
23 ment in the establishment, installation, development,
24 maintenance, and operation in his department of procedures
25 for the settlement of disputes arising from personnel actions,

1 and of grievances and complaints of personnel. Such regu-
2 lations shall be designed to aid the heads of the several
3 departments to carry out the functions imposed on them
4 by section 3 (a) of this Act with the maximum practicable
5 uniformity.

6 (b) The Civil Service Commission shall cooperate with
7 the departments in the establishment, installation, and devel-
8 opment of their procedures under section 3 (a) of this Act,
9 and shall gather and disseminate information and furnish
10 technical advice and assistance in connection therewith.
11 Such procedures, or any part thereof, shall be placed in
12 effect when they are determined by the Commission to be
13 adequate to carry out the purposes of this Act and to be in
14 conformity with the regulations promulgated under sub-
15 section (a) of this section. The Commission shall review
16 the procedures of the several departments at such times and
17 to such extent as it may deem necessary, shall inform the
18 head of each department of the results of such review, and
19 shall make such reports to the Congress thereon as it may
20 deem proper.

21 SEC. 5. The Bureau of the Budget shall cooperate with
22 the Civil Service Commission in achieving maximum practi-
23 cable uniformity in the procedures of the departments under
24 section 3 (a) of this Act, taking into consideration the needs
25 and requirements of the several departments. The Bureau

1 shall be responsible for obtaining the full cooperation of each
2 department in carrying out the purposes of such section 3
3 (a).

4 SEC. 6. In addition to its other functions, each board of
5 appeals established under section 3 (a) of this Act in a cen-
6 ter of activity of a department (as the term "department" is
7 defined in the Performance Rating Act of 1950) shall con-
8 sider and pass upon the merits of performance ratings which
9 are appealed by employees of such department stationed in
10 such center of activity. With respect to such employees, such
11 board of appeals shall act in lieu of any board of review estab-
12 lished under section 7 (b) of the Performance Rating Act of
13 1950 and in accordance with the procedures provided for in
14 section 7 (c) and (d) of such Act and in accordance with
15 any regulations which the Civil Service Commission may
16 issue with respect thereto. In lieu of an appeal to such board
17 of review, any such employee shall have the right to ap-
18 peal, under section 7 (c) of such Act, to such board of
19 appeals. The jurisdiction of any such board of appeals
20 under this section shall extend to all appeals made prior to,
21 and still pending on, the date of enactment of this Act.

22 SEC. 7. For the purposes of sections 3 to 5, inclusive,
23 of this Act, the term "department" means (1) the executive
24 departments, (2) the independent establishments and agen-
25 cies in the executive branch, (3) the General Accounting

1 Office, (4) the Library of Congress, (5) the Government
2 Printing Office, (6) the Botanic Garden, and (7) the mu-
3 nicipal government of the District of Columbia.

4 SEC. 8. The enactment of this Act shall not affect the
5 operation of any law or Executive order relating to removal
6 or suspension of officers and employees in the interest of the
7 national security.

Approved For Release 2002/01/02 : CIA-RDP59-00224A000200240001-7

84TH CONGRESS
2D SESSION

H. R. 8002

A BILL

To provide a more equitable system for the settlement of disputes arising from personnel actions in the classified civil service, and of grievances and complaints of all Government personnel, and for other purposes.

By Mr. ZABLOCKI

JANUARY 3, 1956

Referred to the Committee on Post Office and Civil Service

Approved For Release 2002/01/02 : CIA-RDP59-00224A000200240001-7

NOTICE OF PENDING LEGISLATION

DATE

11 January 1956

LEGISLATIVE BILL NO.

H. R. 8002

SECTION I

GENERAL

TO : Dir/Personnel
Dir./Security ✓ OGCFROM: LEGISLATIVE COUNSEL
OFFICE OF GENERAL COUNSEL

THE ATTACHED BILL, WHICH HAS BEEN INTRODUCED INTO CONGRESS, IS:

☐ SENT TO YOU FOR INFORMATION ONLY.☐ A BILL ON WHICH FAVORABLE CONGRESSIONAL ACTION ☐ IS ☐ IS NOT PREDICTED.☒ SENT FOR YOUR COMMENT AS TO WHETHER IT IS OF INTEREST TO CIA ACTIVITIES, AND WHETHER FURTHER ACTION BY THIS OFFICE IS NECESSARY OR DESIRED.

IT IS REQUESTED THAT COMMENTS CONCERNING THIS LEGISLATION BE FORWARDED, THROUGH APPROPRIATE CHANNELS, TO THIS OFFICE, BY _____

FOLD
HERE

SECTION II

COMMENTS (From Original Addressee)

TO : LEGISLATIVE COUNSEL
OFFICE OF GENERAL COUNSELFROM:
Office of Security

Since H.R. 8147 and H.R. 8002 provide for the settlement of grievances and complaints arising from personnel actions of all Government personnel, it is believed that the General Counsel in his review will wish to consider their effect, if any, on the DCI's authority for termination of employees under Section 102(c) of the National Security Act of 1947.

[REDACTED]
Acting Executive Officer

STATINTL

STATINTL

DATE OF COMMENTS

23 February 1956

SLG

Approved For Release 2002/01/02 : CIA-RDP59-00224A000200240001-7
Acting Executive Officer/CS

EXTENSION

NOTICE OF PENDING LEGISLATION

DATE

18 January 1956

LEGISLATIVE BILL NO.

H. R. 8147

SECTION I

GENERAL

TO : Dir/Personnel
Dir/Security ✓

OGC

FROM: LEGISLATIVE COUNSEL
OFFICE OF GENERAL COUNSEL

THE ATTACHED BILL, WHICH HAS BEEN INTRODUCED INTO CONGRESS, IS:

☐ SENT TO YOU FOR INFORMATION ONLY.

☐ A BILL ON WHICH FAVORABLE CONGRESSIONAL ACTION ☐ IS ☐ IS NOT PREDICTED.

☒ SENT FOR YOUR COMMENT AS TO WHETHER IT IS OF INTEREST TO CIA ACTIVITIES, AND WHETHER FURTHER ACTION BY THIS OFFICE IS NECESSARY OR DESIRED.

IT IS REQUESTED THAT COMMENTS CONCERNING THIS LEGISLATION BE FORWARDED, THROUGH APPROPRIATE CHANNELS, TO THIS OFFICE, BY _____

Personnel Employee & Relations Section
-# 8

FOLD
HERE

SECTION II

COMMENTS (From Original Addressee)

TO : LEGISLATIVE COUNSEL
OFFICE OF GENERAL COUNSEL

FROM: Office of Security

FOLD
HERE

Since H.R. 8147 and H.R. 8002 provide for the settlement of grievances and complaints arising from personnel actions of all Government personnel, it is believed that the General Counsel in his review will wish to consider their effect, if any on the DCI's authority for termination of employees under Section 102(c) of the National Security Act of 1947.

Acting Executive Officer

STATINTL

STATINTL

DATE OF COMMENTS

23 February 1956

Acting

21/02 : CIA-RDP59-00224A000200240001-7